

HONOURABLE SRI JUSTICE M. GANGA RAO

Writ Petition No.16433 of 2019

ORDER:

The petitioner is a Rice Mill filed the writ petition challenging the proceedings in Lr.AAO/ERO/RCPM/JAO.II/HV/D.No.783/19, dated 04.07.2019 issued by the 4th respondent demanding payment of Rs.6,03,832/- towards electricity charges for the period from January 2018 to June, 2019 being tariff difference between HT CAT-3 and LT CAT-3.

The case of the petitioner is that the petitioner is a Rice Mill having obtained Service Connection No.41-10206000246 under L.T. Category-III (A) (1) Industrial Normal Tariff. At the time of releasing power supply, the petitioner Rice Mill was sanctioned contracted load of 55.204 KW equivalent to 74HP under Low Tension Industrial Tariff. On 22.12.2017, the 2nd respondent visited the Rice Mill of the petitioner and found that the sanctioned contracted load of 74 HP is exceeding LT limits and it needs to be converted to HT limits. As a consequence thereto, the 4th respondent issued proceedings dated 04.07.2019 demanding payment of Rs.6,03,832/- for a period from January 2018 to June, 2019 towards tariff difference between HT CAT-3 and LT CAT-3, on the ground that the contracted load of 74.60 KVA equal to 100.00 HP is exceeded LT limits by revising the bills already made and paid under LT Category III. Challenging the same, the present writ petition came to be filed.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

This Court, on 22.10.2019, granted interim direction to the respondents 3 to 5 not to discontinue power supply to the petitioner rice mill on condition of the petitioner depositing 50% of the demanded amount within four weeks from the date of the order.

Learned counsel for the petitioner submits that pursuant to the impugned demand notice dated 04-07-2019, the petitioner deposited 50% of the demanded amount. He further submits that the petitioner already made a representation on 29.07.2019 to the Chief General Manager, Operations, APEPDCL, Visakhapatnam and the same is pending consideration.

On the other hand, learned standing counsel for the respondents submits that if the petitioner is aggrieved by the impugned demand notice, he has a remedy of making a representation to the Divisional Engineer, Operations, APEPDCL, R.C. Puram within 30 days from the date of notice, which will be considered after giving opportunity of being heard to the petitioner.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel and on perusal of the record, this court, in the interest of justice, felt it appropriate to dispose of the writ petition directing the respondent authorities to consider the representation of the petitioner dated 29.07.2019 said to have been made to the Chief General Manager, Operations, APEPDCL, Visakhapatnam within a period of four (4) weeks from the date of receipt of copy of the order, on its own merits without reference to any delay and pass appropriate orders thereon and communicate the same to the petitioner. Till disposal of the said

representation, the respondents are directed not to take any coercive steps for recovery of remaining 50% of the demanded amount.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

M. GANGA RAO, J

Date: 26-02-2020

Ksn

HONOURABLE SRI JUSTICE M. GANGA RAO

Writ Petition No.16433 of 2019

26th February 2020

Ksn